



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,155	09/19/2003	Takeshi Konno	HGM-114-A	8730

21828 7590 07/27/2005

CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
----------	--------------

2636

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/667,155	Applicant(s) KONNO ET AL.	
	Examiner Julie Lieu	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed March 29, 05. Claims 1-3, 5-11, 14, and 16-18 have been amended. New claims 19-20 have been added.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno et al. (US 2003/0024754) in view of Kasuga (JP 02001182410A) and Shouji et al. (FR 2802889).

Claim 1:

Konno discloses an anti-theft device comprising (refer to front page figure):

- a. An anti-theft locking mechanism L;
- b. A remote control T;
- c. A receiver R that receives a locking release signal transmitted from the remote control;
- d. A controller C that releases locking by the locking mechanism according to the locking release signal; and

Konno fails to disclose a locking release mechanism A that bypasses the controller and mechanically unlocks the locking mechanism by manual operation of a dedicated key in a vehicle. However, the use of a mechanism for bypassing the controller to unlock a vehicle is old in the art as taught in Kasuga. In light of this teaching, one skilled in the art would have readily recognized using both locking mechanism, remote and manual in the Konno system to allow the system to be unlocked as by an authorized user as desired.

It is not clear that the locking release mechanism in Konno being normally covered with a cover member of the vehicle. However, the use of a lock cover to prevent access to the lock is old and conventional in the art as taught in Shouji. See fig. 3. In light of this teaching, it would have been obvious to one skilled in the art to use a cover for the lock in Konno for the same purpose.

Claim 2:

The cover member 47 in Shouji includes a cover, which covers the locking release mechanism, and can be selectively opened and closed.

Claim 3:

The locking release mechanism in Konno is provided with a key cylinder (not shown) into which the dedicated key can be inserted. Further Kasuga shows the teaching of a key opening 13 of which inherent a key cylinder is disposed behind the opening.

The key cylinder is not shown in Konno or Kasuga, its position in which the dedicated key may be inserted therein substantially upwardly from beneath when the key cylinder is viewed from the side is not shown. However, this arrangement would not be considered an inventive step because it only presents a design choice, and the function of the device would not

Art Unit: 2636

thereby be modified. It would be up to the designer to arrange the key cylinder in an appropriate position depending on the availability of space and/or convenience.

Claim 4:

It is not clear in Shouji whether the cover member comprises a front cowl of the vehicle. However, it would have been obvious to one skilled in the art to include a vehicle front cowl as part of the cover member because it would further enhance the security of the device.

Claim 5:

A latch is not clearly shown in Shouji. However, it is inherent that some mechanism functionally equivalent to a latch is present to selectively maintain the cover in Shouji in a closed position.

Claim 6:

The cover in Shouji remains connected to the cover member when the cover is in an open position of the cover. See fig. 3.

Claim 7:

The anti-theft device in Konno is operatively associated with a steering handle or a seat of the motorcycle.

Claim 8:

The locking release mechanism in Konno is provided with a key cylinder (not shown) into which the dedicated key can be inserted. Further Kasuga shows the teaching or a key opening 13 of which inherent a key cylinder is disposed behind the opening.

The key cylinder is not shown in Konno, its position in which the dedicated key may be inserted therein substantially upwardly from beneath when the key cylinder is viewed from the

Art Unit: 2636

side is not shown. However, this arrangement would not be considered an inventive step because it only presents a design choice, and the function of the device would not thereby be modified. It would be up to the designer to arrange the key cylinder in an appropriate position depending on the availability of space and/or convenience.

Claims 9-14:

The rejection of claims 9-14 recites the rejection of claims 1-6, respectively. Further, the vehicle in Konno is a bicycle and locking release mechanism in Konno is independent of the ignition system of the motorcycle.

Claim 15:

The cover is pivotally connected to the cover member. See fig. 3.

Claims 16:

The rejection of claim 16 recites the rejection of claim 7.

Claims 18:

The rejection of claim 18 recites the rejection of claim 8.

Claim 19:

Konno discloses a two wheeled motor vehicle comprising an ignition and a steering system; it is inherent that the motor vehicle in Konno comprises a first key dedicated to the ignition and an ignition switch.

The system in Konno includes an antitheft device comprising:

- a. An anti-theft locking mechanism L;
- b. A remote control T;

Art Unit: 2636

c. A receiver R that receives a locking release signal transmitted from the remote control;

d. A controller C that releases locking by the locking mechanism according to the locking release signal; and

Konno fails to disclose a locking release mechanism that unlocks the antitheft mechanism by manual operation of a second key dedicated to the locking release mechanism. However, the use of a mechanism to unlock a vehicle manually is old in the art as taught in Kasuga. In light of this teaching, one skilled in the art would have readily recognized using both locking mechanism, remote and manual in the Konno system to allow the system to be unlocked as by an authorized user as desired.

It is not clear that the locking release mechanism in Konno being normally covered with a cover member of the vehicle. However, the use of a lock cover to prevent access to the lock is old and conventional in the art as taught in Shouji. See fig. 3. In light of this teaching, it would have been obvious to one skilled in the art to use a cover for the lock in Konno for the same purpose.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno et al. (US 2003/0024754) in view of Shouji et al. (FR 2802889) and further in view of Mori et al. (US Patent No. 6,237,710).

Claim 17:

Konno and Shouji teach an antitheft device used with the steering handle but fail to disclose that it can be used with a seat of the motorcycle. Nonetheless, the concept of using an

Art Unit: 2636

anti-theft device with a seat of a motorcycle is old in the art as taught in Mori. Therefore, a skilled artisan would have readily recognized using antitheft device in the combined system of Konno and Shouji with the seat as taught in Mori as desired.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno et al. (US 2003/0024754) in view of Kasuga (JP 02001182410A)

Claim 20:

The system in Konno includes an antitheft device comprising:

- a. An anti-theft locking mechanism L;
- b. A remote control T;
- c. A receiver R that receives a locking release signal transmitted from the remote control;
- d. A controller C that releases locking by the locking mechanism according to the locking release signal; and

Konno fails to disclose a locking emergency locking release mechanism and a dedicated key for use with the locking release mechanism. However, the use of an emergency locking release mechanism to drive the antitheft locking mechanism unlock a vehicle manually is old in the art as taught in Kasuga. In light of this teaching, one skilled in the art would have readily recognized using both locking mechanism, remote and manual in the Konno system to allow the system to be unlocked as by an authorized user as desired.

Remarks

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Art Unit: 2636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long, sweeping horizontal stroke extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2636

Jul 14, 05